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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,697	12/12/2000	Noel Lee	P1230	6750

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EXAMINER

POLK, SHARON A

ART UNIT PAPER NUMBER

2836

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,697

Applicant(s)

LEE, NOEL

Examiner

Sharon Polk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 41-48 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's contend in remarks portion of the paper #13, page 5, that the claimed subject matter of new claims 41-48 is fully supported by the originally filed specification (p. 3, ll. 18-26; p. 4, ll. 1-4; 4, ll. 18-21; p. 5, l. 21- p. 7 l. 5) filed December 28, 1998, and by the present continuation application (p. 6, l. 17 – p. 7, l. 7) filed December 12, 2000.

The examiner disagrees in part. The examiner cannot find support in either the original specification or the present continuation application regarding the housing member, the electrical outlets, and the plurality of peripherals **each**, having a plurality of color-assignable areas. Further, the assertion that "reassigning one or more the plurality of color-assignable areas" was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Similarly, the *assigning a new color* to the plurality of peripheral devices is not reasonably supported in the specification.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 41-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 41, 43, 45, and 47, it is unclear how the housing member, which has a plurality of outlets, the outlets themselves, and the plurality of peripherals EACH have a plurality of color-assignable areas.

With regard to claims 41, 43, 45, and 47, it is unclear how a solid color-coded AC electrical power distribution system can later be claimed to have "color-assignable areas" when it is previously recited that it is color coded. Has not the color already been assigned by being color-coded? Applicant is invited to direct the examiner to a location within the original specification and/or continuation of this application which discloses that areas that are color-coded can be assigned a new color.

With regard to claim 41, Applicant recites a plurality of attachable color-coded labels for selectively reassigning one or more of said plurality of color-assignable areas to a corresponding number of different ones of said plurality of peripheral device. However it is unclear how *one* of the color-assignable areas can be selectively reassigned to a corresponding number of different ones of said plurality of peripheral devices without the other two areas also being reassigned.

With regard to claims 42, 44, 46, and 48, it is unclear how the labels discern which of the plurality of devices has been assigned a new color. If the device is

originally manufactured with a red colored indicia for DVD/LD then do the plurality of color-coded labels (Bright Orange, Light Mocha, Bright Yellow, Chartreuse, Bright Blue, Kelley Green, or Bright Purple) have DVD/LD indicia such that the user can truly decide which of said plurality of peripheral devices has been assigned a new color, or are they limited to a few selections (i.e. only 2 other colored labels would have DVD/LD printed on them)?

Claim Objections

3. Claims 42-48 are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 41. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee, US 5,589,718.

With regard to claims 41, 43, 45, and 47, Lee teaches a solid color-coded AC electrical power distribution system (col. 4, ll. 38-41), said system comprising:

a housing member (12) having a plurality of electrical outlets (Fig., 16a-16h) for connectible electrical power to a plurality of peripheral devices (col. 2, ll. 54-55), said housing member, said plurality of electrical outlets, and said plurality of peripheral devices, each having a plurality of color-assignable areas, each area of said color-assignable areas on said housing member having a corresponding plurality of color-coded indicia for identifying and for associating each outlet with one of said plurality of peripheral devices (col. 3, ll. 43-50);

Lee lacks the express teaching a plurality of attachable color-coded labels for selectively reassigning one or more of said plurality of color-assignable areas to a corresponding number of different ones of said plurality of peripheral devices.

However it would have been obvious to one of ordinary skill in the art of electric power systems at the time of the invention to use "labels" to *apply* to the housing member, outlets, and peripherals for the purpose of clearly identify[ing] the type of component that should be used with each outlet in accordance with the type of AC power processing associated with the outlet (col. 3, ll. 35-37).

With regard to the feature of selective reassignment of the color-assignable areas; because the colored indicia disclosed in Lee is assigned arbitrarily, the user is free to initially assign (reassign) system based upon his/her preference. Thus, because the user has flexibility at the outset, it follows that the user would also have the ability to reassign those preferences, if he/she should at a later date desire a different choice. In

essence, the configuration of the colored indicia in Lee is initially an obvious matter of design choice, and remains so throughout the life of the system so that at any time in the future, the user can simply alter the placement of the colored indicia if desired.

With regard to claims 42, 44, 46, and 48, one of ordinary skill in the art would interpret label to include indicia for identifying a plurality of peripheral devices. The ordinary meaning of the word "label" supports this finding. See *Modern Dictionary of Electronics*, 9th ed., 1999, p. 410 (defining label as "one or more characters to serve to identify an item or data). Thus, it would have been obvious to include the identifying information in Lee, because Lee specifically teaches different electrical characteristics are processed differently, ergo the need to color-code the outlets. It follows that if four outlets are designed for audio, and two for video, and two for amplifiers then indicia (audio, video, amplifier) is needed in accordance with the teachings of Lee to improve the performance of the electrical components to the outlets (col. 2, ll. 7-8).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Polk whose telephone number is 703-308-6257. The examiner can normally be reached on M-F 7-3:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 703-308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

January 9, 2003

Sharon Polk

Patent Examiner – Art Unit 2836



BRIAN SIRCUS
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